

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 2356, AS REPORTED**  
**OFFERED BY MR. ARMEY OF TEXAS**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Ban it All, Ban it Now  
3 Act”.

**4 TITLE I—SOFT MONEY ACTIVITIES OF PARTIES AND CANDIDATES**

**7 SEC. 101. SOFT MONEY OF POLITICAL PARTIES.**

8       (a) IN GENERAL.—Title III of the Federal Election  
9 Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended  
10 by adding at the end the following:

**11 “SEC. 323. SOFT MONEY OF POLITICAL PARTIES.**

**12       “(a) NATIONAL COMMITTEES.—**

**13               “(1) IN GENERAL.—**A national committee of a  
**14**political party (including a national congressional or  
**15**Senatorial campaign committee of a political party)  
**16**may not solicit, receive, or direct to another person  
**17**a contribution, donation, or transfer of funds or any  
**18**other thing of value, or spend any funds, that are  
**19**not subject to the limitations, prohibitions, and re-  
**20**porting requirements of this Act.

1           “(2) APPLICABILITY.— The prohibition estab-  
2           lished by paragraph (1) applies—

3                   “(A) to any such national committee, any  
4                   officer or agent acting on behalf of such a na-  
5                   tional committee, and any entity that is directly  
6                   or indirectly established, financed, maintained,  
7                   or controlled by such a national committee; and

8                   “(B) to all activities of such committee and  
9                   the persons described in subparagraph (A), in-  
10                  cluding the construction or purchase of an of-  
11                  fice building or facility, the influencing of the  
12                  reapportionment decisions of a State, and the  
13                  financing of litigation relating to the reappor-  
14                  tionment decisions of a State.

15          “(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—  
16          Any amount that is expended or disbursed for Federal  
17          election activity by a State, district, or local committee of  
18          a political party (including an entity that is directly or  
19          indirectly established, financed, maintained, or controlled  
20          by a State, district, or local committee of a political party  
21          and an officer or agent acting on behalf of such committee  
22          or entity), or by an association or similar group of can-  
23          didates for State or local office or individuals holding  
24          State or local office, shall be made from funds subject to

1 the limitations, prohibitions, and reporting requirements  
2 of this Act.

3 “(c) FUNDRAISING COSTS.—An amount spent by a  
4 person described in subsection (a) or (b) to raise funds  
5 that are used, in whole or in part, for expenditures and  
6 disbursements for a Federal election activity shall be made  
7 from funds subject to the limitations, prohibitions, and re-  
8 porting requirements of this Act.

9 “(d) TAX-EXEMPT ORGANIZATIONS.—A national,  
10 State, district, or local committee of a political party (in-  
11 cluding a national congressional or Senatorial campaign  
12 committee of a political party), an entity that is directly  
13 or indirectly established, financed, maintained, or con-  
14 trolled by any such national, State, district, or local com-  
15 mittee or its agent, and an officer or agent acting on be-  
16 half of any such party committee or entity, shall not solicit  
17 any funds for, or make or direct any donations to—

18 “(1) an organization that is described in section  
19 501(c) of the Internal Revenue Code of 1986 and  
20 exempt from taxation under section 501(a) of such  
21 Code (or has submitted an application for deter-  
22 mination of tax exempt status under such section)  
23 and that makes expenditures or disbursements in  
24 connection with an election for Federal office (in-

1 including expenditures or disbursements for Federal  
2 election activity); or

3 “(2) an organization described in section 527 of  
4 such Code (other than a political committee, a State,  
5 district, or local committee of a political party, or  
6 the authorized campaign committee of a candidate  
7 for State or local office).

8 “(e) FEDERAL CANDIDATES.—

9 “(1) IN GENERAL.—A candidate, individual  
10 holding Federal office, agent of a candidate or an in-  
11 dividual holding Federal office, or an entity directly  
12 or indirectly established, financed, maintained or  
13 controlled by or acting on behalf of 1 or more can-  
14 didates or individuals holding Federal office, shall  
15 not—

16 “(A) solicit, receive, direct, transfer, or  
17 spend funds in connection with an election for  
18 Federal office, including funds for any Federal  
19 election activity, unless the funds are subject to  
20 the limitations, prohibitions, and reporting re-  
21 quirements of this Act; or

22 “(B) solicit, receive, direct, transfer, or  
23 spend funds in connection with any election  
24 other than an election for Federal office or dis-

1           burse funds in connection with such an election  
2           unless the funds—

3                   “(i) are not in excess of the amounts  
4                   permitted with respect to contributions to  
5                   candidates and political committees under  
6                   paragraphs (1), (2), and (3) of section  
7                   315(a); and

8                   “(ii) are not from sources prohibited  
9                   by this Act from making contributions in  
10                  connection with an election for Federal of-  
11                  fice.

12               “(2) STATE LAW.—Paragraph (1) does not  
13               apply to the solicitation, receipt, or spending of  
14               funds by an individual described in such paragraph  
15               who is also a candidate for a State or local office  
16               solely in connection with such election for State or  
17               local office if the solicitation, receipt, or spending of  
18               funds is permitted under State law and refers only  
19               to such State or local candidate, or to any other can-  
20               didate for the State or local office sought by such  
21               candidate, or both.

22               “(3) FUNDRAISING EVENTS.—Notwithstanding  
23               paragraph (1), a candidate or an individual holding  
24               Federal office may attend, speak, or be a featured

1 guest at a fundraising event for a State, district, or  
2 local committee of a political party.

3 “(4) LIMITATION APPLICABLE FOR PURPOSES  
4 OF SOLICITATION OF DONATIONS BY INDIVIDUALS  
5 TO CERTAIN ORGANIZATIONS.—In the case of the so-  
6 licitation of funds by any person described in para-  
7 graph (1) on behalf of any entity described in sub-  
8 section (d) which is made specifically for funds to be  
9 used for activities described in clauses (i) and (ii) of  
10 section 301(20)(A), or made for any such entity  
11 which engages primarily in activities described in  
12 such clauses, the limitation applicable for purposes  
13 of a donation of funds by an individual shall be the  
14 limitation set forth in section 315(a)(1)(D).

15 “(f) STATE CANDIDATES.—

16 “(1) IN GENERAL.—A candidate for State or  
17 local office, individual holding State or local office,  
18 or an agent of such a candidate or individual may  
19 not spend any funds for a communication described  
20 in section 301(20)(A)(iii) unless the funds are sub-  
21 ject to the limitations, prohibitions, and reporting  
22 requirements of this Act.

23 “(2) EXCEPTION FOR CERTAIN COMMUNICA-  
24 TIONS.—Paragraph (1) shall not apply to an indi-  
25 vidual described in such paragraph if the commu-

1        nication involved is in connection with an election for  
2        such State or local office and refers only to such in-  
3        dividual or to any other candidate for the State or  
4        local office held or sought by such individual, or  
5        both.”.

6    **SEC. 102. DEFINITIONS.**

7        Section 301 of the Federal Election Campaign Act  
8        of 1971 (2 U.S.C. 431) is amended by adding at the end  
9        the following:

10            “(20) FEDERAL ELECTION ACTIVITY.—

11                    “(A) IN GENERAL.—The term ‘Federal  
12            election activity’ means—

13                            “(i) voter registration activity;

14                            “(ii) voter identification, get-out-the-  
15            vote activity, or generic campaign activity  
16            conducted in connection with an election in  
17            which a candidate for Federal office ap-  
18            pears on the ballot (regardless of whether  
19            a candidate for State or local office also  
20            appears on the ballot); or

21                            “(iii) a public communication that re-  
22            fers to a clearly identified candidate for  
23            Federal office (regardless of whether a  
24            candidate for State or local office is also  
25            mentioned or identified) and that promotes

1 or supports a candidate for that office, or  
2 attacks or opposes a candidate for that of-  
3 fice (regardless of whether the communica-  
4 tion expressly advocates a vote for or  
5 against a candidate).

6 “(B) EXCLUDED ACTIVITY.—The term  
7 ‘Federal election activity’ does not include an  
8 amount expended or disbursed by a State, dis-  
9 trict, or local committee of a political party  
10 for—

11 “(i) a public communication that re-  
12 fers solely to a clearly identified candidate  
13 for State or local office, if the communica-  
14 tion is not a Federal election activity de-  
15 scribed in subparagraph (A)(i) or (ii);

16 “(ii) a contribution to a candidate for  
17 State or local office, provided the contribu-  
18 tion is not designated or used to pay for a  
19 Federal election activity described in sub-  
20 paragraph (A); or

21 “(iii) the costs of grassroots campaign  
22 materials, including buttons, bumper stick-  
23 ers, and yard signs, that name or depict  
24 only a candidate for State or local office.

1           “(21) GENERIC CAMPAIGN ACTIVITY.—The  
2           term ‘generic campaign activity’ means a campaign  
3           activity that promotes a political party and does not  
4           promote a candidate or non-Federal candidate.

5           “(22) PUBLIC COMMUNICATION.—The term  
6           ‘public communication’ means a communication by  
7           means of any broadcast, cable, or satellite commu-  
8           nication, newspaper, magazine, outdoor advertising  
9           facility, mass mailing, or telephone bank to the gen-  
10          eral public, or any other form of general public polit-  
11          ical advertising or political advertising directed to an  
12          audience of 500 or more people.

13          “(23) MASS MAILING.—The term ‘mass mail-  
14          ing’ means a mailing by United States mail or fac-  
15          simile of more than 500 pieces of mail matter of an  
16          identical or substantially similar nature within any  
17          1-year period.

18          “(24) TELEPHONE BANK.—The term ‘telephone  
19          bank’ means more than 500 telephone calls of an  
20          identical or substantially similar nature within any  
21          1-year period.”.

1 **TITLE II—SOFT MONEY ACTIVI-**  
2 **TIES OF CORPORATIONS AND**  
3 **LABOR ORGANIZATIONS**

4 **SEC. 201. BAN ON USE OF SOFT MONEY FOR NONPARTISAN**  
5 **VOTER REGISTRATION AND GET-OUT-THE-**  
6 **VOTE ACTIVITIES.**

7 Section 316(b)(2) of the Federal Election Campaign  
8 Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by striking  
9 “(B) nonpartisan registration and get-out-the-vote cam-  
10 paigns” and all that follows through “and (C)” and insert-  
11 ing “and (B)”.

12 **TITLE III—OTHER SOFT MONEY**  
13 **ACTIVITIES**

14 **SEC. 301. BAN ON USE OF SOFT MONEY FOR GET-OUT-THE-**  
15 **VOTE ACTIVITIES BY CERTAIN ORGANIZA-**  
16 **TIONS.**

17 Title III of the Federal Election Campaign Act of  
18 1971 (2 U.S.C. 431 et seq.), as amended by section 101,  
19 is further amended by adding at the end the following new  
20 section:

21 “BAN ON USE OF NONFEDERAL FUNDS FOR GET-OUT-  
22 THE-VOTE ACTIVITIES BY CERTAIN ORGANIZATIONS

23 “SEC. 324. (a) IN GENERAL.—Any amount expended  
24 or disbursed for get-out-the-vote activities by any organi-  
25 zation described in subsection (b) shall be made from

1 amounts subject to the limitations, prohibitions, and re-  
2 porting requirements of this Act.

3 “(b) ORGANIZATIONS DESCRIBED.—An organization  
4 described in this subsection is—

5 “(1) an organization that is described in section  
6 501(c)(3) or 501(c)(4) of the Internal Revenue Code  
7 of 1986 and exempt from taxation under section  
8 501(a) of such Code (or has submitted an applica-  
9 tion for determination of tax exempt status under  
10 such section); or

11 “(2) an organization described in section 527 of  
12 such Code (other than a State, district, or local com-  
13 mittee of a political party, a candidate for State or  
14 local office, or the authorized campaign committee of  
15 a candidate for State or local office).”.

16 **SEC. 302. BAN ON USE OF SOFT MONEY FOR ANY PARTISAN**  
17 **VOTER REGISTRATION ACTIVITIES.**

18 Title III of the Federal Election Campaign Act of  
19 1971 (2 U.S.C. 431 et seq.), as amended by sections 101  
20 and 301, is further amended by adding at the end the  
21 following new section:

22 “BAN ON USE OF NONFEDERAL FUNDS FOR PARTISAN  
23 VOTER REGISTRATION ACTIVITIES

24 “SEC. 325. No person may expend or disburse any  
25 funds for partisan voter registration activity which are not

1 subject to the limitations, prohibitions, and reporting re-  
2 quirements of this Act.”.